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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PATRICK J. BERGIN,

Plaintiff - Appellant,

v.

SUSAN MCCALL; et al.,

Defendants - Appellees,

No. 07-35801

D.C. No. CV-06-06311-MRH

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Oregon  
Michael R. Hogan, District Judge, Presiding

Submitted December 17, 2008<sup>\*\*</sup>

Before: GOODWIN, WALLACE, and RYMER, Circuit Judges.

Patrick J. Bergin appeals pro se from the district court's judgment for defendants in his 42 U.S.C. § 1983 action raising various constitutional claims against members of Oregon's Board of Medical Examiners ("Board") and other

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

medical professionals. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Miller v. County of Santa Cruz*, 39 F.3d 1030, 1032 (9th Cir. 1994), and we affirm.

The district court properly granted summary judgment because Bergin's claims were precluded by the Board's order suspending Bergin's medical license. *See id.* at 1037 n.7 (“[W]e will give preclusive effect to the legal as well as the factual decisions of [state] administrative tribunals, if the courts of the state would do so and if the minimum requirements of [*United States v. Utah Construction & Mining Co.*, 384 U.S. 394, 422 (1966)] are met.”); *id.* at 1033 (“The fairness requirements of *Utah Construction* are: (1) that the administrative agency act in a judicial capacity, (2) that the agency resolve disputed issues of fact properly before it, and (3) that the parties have an adequate opportunity to litigate.”); *Chavez v. Boise Cascade Corp.*, 772 P.2d 409, 410 (Or. 1989) (“[A] valid and final administrative adjudication has the same preclusive effects as a court's judgment.”).

The district court properly dismissed Bergin's claims against his former medical partner because Bergin did not file those claims within two years after they accrued, as required by Oregon's personal injury statute. *See* Or. Rev. Stat. § 12.110(1); *Davis v. Harvey*, 789 F.2d 1332, 1333 (9th Cir. 1986) (“Section 1983

claims are to be characterized as personal injury actions for statute of limitations purposes.”).

Bergin’s remaining contentions are unavailing.

**AFFIRMED.**